

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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WHITE PLAINS AVIATION
PARTNERS, LLC d/b/a
Million Air White Plains,

Plaintiff,

-against-

THE COUNTY OF WESTCHESTER,

Defendant.
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21-CV-5312 (VLB)(JCM)

DECLARATION IN
SUPPORT OF MOTION
TO DISMISS

DAVID H. CHEN, an attorney duly admitted to practice before the United States District Court for the Southern District of New York, declares pursuant to 28 U.S.C. § 1746:

1. I am an attorney in the Office of John M. Nonna, Westchester County Attorney, counsel for the defendant in the above-captioned matter. I submit this Declaration in support of Defendant's Motion to Dismiss.

2. Exhibit 'A' to this Declaration is a true and correct copy of a November 14, 2017 letter from Eon S. Nichols (on behalf of Plaintiff) to, *inter alia*, the Commissioner of the Westchester County Department of Public Works and Transportation, which is referenced in Paragraphs 70 and 71 of the Complaint.

3. Exhibit 'B' to this Declaration is a true and correct copy of a December 12, 2017 letter from Vincent F. Kopicki, Commissioner of the Westchester County Department of Public Works and Transportation, to Plaintiff, which is referenced in Paragraphs 72 and 73 of the Complaint.

4. I declare, under penalty of perjury, that the foregoing is true and correct.

Executed on: August 11, 2021

Respectfully submitted,

JOHN M. NONNA
WESTCHESTER COUNTY ATTORNEY
148 Martine Avenue, Suite 600
White Plains, New York 10601
Counsel for Defendant

By: /s/ ***David H. Chen***
Deputy County Attorney
(914) 995-3616
dhca@westchestergov.com